

Message Text

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ACTION STR-04

INFO OCT-01 IO-11 ISO-00 STRE-00 FEA-01 CIAE-00 DODE-00

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COME-00 EB-07 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04

NSC-05 PA-01 AID-05 CIEP-01 SS-15 TAR-01 TRSE-00

PRS-01 SP-02 OMB-01 AF-06 ARA-06 EA-07 EUR-12 NEA-10

OIC-02 /129 W

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FM USDEL MTN GENEVA

TO SECSTATE WASHDC IMMEDIATE 1071

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ACTION STR

PASS STR FOR AMBS DENT AND YEUTTER AND LANDE

E.O. 11652: N/A

TAGS: MTN ETRD

SUBJECT: INSTRUCTIONS FOR FEB 16-20 TROPICAL PRODUCTS MEETING

REF: MTN GENEVA 437, STATE 11728, STATE 247261

SUMMARY: MTN DEL HAS IDENTIFIED SEVERAL ISSUES AND RELATED RECOMMENDATIONS TO KEY AGENDA ITEM FOR FEB 16 TROPICAL PRODUCTS MEETING: PARA 2(B) MTN GENEVA 437 DEALING WITH CIRCULATION OF AND FORMAT FOR INITIAL OFFERS. WITH RESPECT TO OTHER AGENDA ITEMS, MTN DEL EXPECTS THAT SOME LDC'S WILL MAKE STATEMENTS FOR THE RECORD UNDER AGENDA ITEM 2(A), REFTEL MTN GENEVA 437, INDICATING THEIR DISAPPOINTMENT WITH PRODUCT COVERAGE INDICATED BY DC'S DURING PRELIMINARY SUBSTANTIVE REACTION STAGE AND MAY MAKE REFERENCE TO NONRECIPROCAL NATURE OF CONCESSIONS

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ON TROPICAL PRODUCTS UNDER AGENDA ITEMS 2(C) AND 2(D) BUT

EXPECTS THESE ITEMS WILL BE CARRIED OVER TO SUBSEQUENT MEETING.
FOCUS WILL BE ON AGENDA ITEM 2(B) BECAUSE OF TIME PRESSURE TO
TAKES DECISIONS OF THE CIRCULATION OF OFFERS GIVEN
JUXTAPOSITION OF MEETING TO MARCH 1 DATE FOR TABLING
OF OFFERS. END SUMMARY.

1. CIRCULATION OF OFFERS. MTN DEL EXPECTS THAT MOST
DC'S WILL ACCEPT THE PRINCIPLE OF CIRCULATION OF OFFERS
TO ALL PARTICIPANTS. JAPANESE AND AUSTRALIAN DELEGATIONS
EXPRESSED MOST RESERVATIONS ON THIS ISSUE IN THE OCT
MEETING BUT WE UNDERSTAND AUSTRALIA WILL DROP ITS OB-
JECTION AND HAVE BEEN TOLD PRIVATELY BY UKAWA OF THE
JAPANESE DEL THAT THEIR OBJECTIONS IN OCT WERE PRIMARILY
TO BUY TIME. KEY QUESTION IS THE DEFINITION OF PARTI-
CIPANTS. THEY HAVE BEEN DEFINED BY MOST DELEGATIONS
AS COUNTRIES WHICH HAVE MADE OR RECEIVED REQUESTS.
PRINCIPAL LDC OBJECTIVE ON THIS ISSUE IS TO KNOW OF
OFFERS (OR LACK OF OFFERS) MADE TO OTHER REQUESTING
COUNTRIES. FOR EXAMPLE, IN THIS MANNER A COUNTRY
SUCH AS BRAZIL, WHICH MADE NO REQUEST ON COCOA BUTTER,
WOULDE BE AWARE OF DC'S OFFERS ON COCOA BUTTER TO OTHER
COUNTRIES. MTN DEL RECOMMENDS THAT US TAKE THE POSI-
TION THAT PARTICIPANTS BE DEFINED AS COUNTRIES HAVING
A TRADE INTEREST IN AN ITEM AND THAT AN OFFER ON SUCH
ITEM BE CIRCULATED TO ALL COUNTRIES HAVE A TRADE
INTEREST IN THAT ITEM. IN PRIVATE DISCUSSIONS WE
WOULD INDICATE THAT THIS WOULD BE OUR METHOD FOR BRINGING
NONREQUESTING COUNTRIES SUCH AS KOREA, SPAIN, AND
PORTUGAL INTO THE NEGOTIATIONS. SUCH A DEFINITION
OF PARTICIPANTS WOULD BE CONSISTENT WITH OUR OBJEC-
TIVE OF SEEKING RECIPROCITY FROM PRINCIPAL AND SUB-
STANTIONAL SUPPLIERS FOR AN ITEM ON WHICH WE ARE OFFER-
ING CONCESSIONS. THIS FORMULATION WOULD ALSO ASSURE
THAT DC'S EXCHANGE OFFER LISTS TO THE EXTENT THEIR
OFFERS AFFECT THE TRADE INTERSTS OF OTHER DC'S.

2. FORM OF US OFFER. FORM OF US OFFER COULD BE
EITHER: (A) ONE LIST OF ALL INITIAL MFN CONCESSIONS
WE PREPARED TO OFFER, OR; (B) INDIVIDUAL NOTIFICATIONS
TO EACH COUNTRY VIA SECRETARIAT OF OFFERS US MAKING
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ON MFN BASIS IN WHICH IT HAS/HAS HAD TRADE OR MADE
A REQUEST. MTN DEL RECOMMENDS OPTION (B) FOR REASONS
SET OUT IN FOLLOWING PARAGRAPHS.

3. CONSOLIDATION OF OFFER LISTS. MTN DEL EXPECTS
LDC'S TO REQUEST SECRETARIAT CONSOLIDATION OF INITIAL
OFFERS BY DC'S IN A MANNER SIMILAR TO CONSOLIDATION
OF REQUESTS (MTN/TP/11). MTN BELIEVES WE SHOULD

INITIALLY BE OPPOSED TO SUCH A CONSOLIDATION AS PRE-MATURE AND REQUEST WASHINGTON DEVELOP TALKING POINTS BASED ON PREVIOUS NEGOTIATIONS TO SUPPORT THIS POSITION. DELEGATION SHOULD BE AUTHORIZED TO ACCEPT A CONSOLIDATION BY OFFERING COUNTRY IF NECESSARY BUT NOT ON A PRODUCT BASIS WHICH WOULD FORM A BASIS FOR COMPARISONS, OFTEN SPECIOUS, OF DC OFFERS. MTN DEL ADDITIONALLY CONCERNED THAT UNCTAD SECRETARIAT MAY ATTEMPT TO CONSOLIDATE INDIVIDUAL OR COLLECTIVE DC OFFERS.

4. CONTINUED UNCTAD PARTICIPATION. MTN DEL ALSO CONCERNED WITH PRECEDENT EFFECT OF ACQUIESCING TO CONTINUED UNCTAD PRESENCE IN TROPICAL PRODUCT (TP) MEETINGS. SINCE THE GROUP IS ENTERING THE NEGOTIATING PHASE, WE BELIEVE THAT WE SHOULD EXPLORE WITH OTHER DC'S CURRENT POSITION WITH RESPECT TO UNCTAD. LAST UNDERSTANDING WE AWARE OF OCCURRED PRIOR TO FEB '75 TNC. EC, JAPAN, CANADA AND US IN AGREEMENT THAT UNCTAD BE EXCLUDED FROM NEGOTIATING SESSIONS AND CONFIDENTIAL NEGOTIATING DOCUMENTS (GENEVA 0422). MTN DEL CONSIDERS US OFFERS ON COUNTRY OR COLLECTIVE BASIS AS CONFIDENTIAL NEGOTIATING DOCUMENTS. PREVIOUSLY UNCTAD COMMODITIES DIVN HAS PREPARED AN EVALUATION OF REQUESTS MADE OF THE US AND OTHER DC'S ON A COUNTRY-BY-COUNTRY BASIS BASED ON MTN/TP/ 11. AMONG OTHER THINGS, THIS DOCUMENT IDENTIFIES PRODUCTS ON WHICH THE GROUP OF 77 COORDINATING CMTE SHOULD DEVELOP COMMON POSITION (MATERIAL BEING TRANSMITTED TO WASHINGTON SEPARATELY).

5. FORMAT OF OFFERS. A PRINCIPAL TASK OF THE GROUP WILL BE TO DETERMINE THE FORMAT FOR OFFERS. ALTHOUGH LIMITED OFFICIAL USE

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LARGELY A PROCEDURAL ISSUE, THE FORMAT OFR ISSUES CAN UNNECESSARILY LIMIT OUR FLEXIBILITY. SECRETARIAT PRIOR TO JUNE 1975 MEETING OF THE GROUP CIRCULATED A SAMPLE FORMAT TO SEVERAL KEY DELEGATIONS (NOT CIRCULATED OR CONSIDERED BY THE FULL GROUP(WHICH WAS REPORTED MTN GENEVA 4271. THIS FORMAT REQUIRED DESCRIPTION OF ALL ITEMS REQUESTED, IDENTIFICATION OF REQUESTING COUNTRIES, RESPONSES TO ALL ITEMS INCLUDING EITHER INITIAL OFFER OR THE STATEMENT "NO INITIAL OFFER", IDENTIFICATION OF COUNTRIES TO WHOM OFFER IS MADE, AND IDENTIFICATION OF CONDITIONS PLACED ON OFFER. SECRETARIAT ANTICIPATED THAT BOTH TARIFF AND NON-TARIFF MEASURE REQUESTS WOULD BE RESPONDED TO IN THIS FORMAT.
THE COMMENTS BELOW ARE BASED ON THE SECRETARIAT

PAPER. THEY REPRESENT THE MOST FAVORABLE OUTCOME THE US COULD EXPECT. WE DO NOT, HOWEVER, COUNT ON A GREAT DEAL OF SUPPORT FROM OTHER DC'S ON THE PROPOSED PROCEDURAL POSITIONS. IN THE EVENT THAT OTHER MORE SUBSTANTIVE ISSUES SUCH AS RECIPROCITY AND IMPLEMENTATION ARE RAISED, US WOULD BE IN POSITION OF ISOLATION THROUGHOUT MEETING. CONSEQUENTLY, DEL REQUESTS THAT ITS INSTRUCTIONS WITH RESPECT TO FORMAT BE FLEXIBLE IN ORDER TO MEET TACTICAL EXIGENCIES.

A. ITEMS COVERED. SECRETARIAT PAPER ASSUMES THAT EVERY ITEM WILL BE RESPONDED TO IN AN INITIAL OFFER LIST. THIS HAS THE ADVANTAGE THAT THE US CAN

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INFO OCT-01 IO-11 ISO-00 STRE-00 FEA-01 CIAE-00 DODE-00

NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00 AGR-05 CEA-01

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INDICATE FORTHCOMING TREATMENT SINCE MORE THAN HALF OF THE REQUESTED ITEMS ARE CURRENTLY UNDER GSP AND MANY OTHER TROPICAL PRODUCTS (COFFEE,TEA,COCOA BEANS, ETC.) ARE ALREADY DUTY FREE. THE US, HOWEVER, HAS REQUESTS ON MORE THAN 650 ITEMS AND THE COSTS

AND LOGISTICS OF MAKING AND CIRCULATING OUR OFFER HAVE TO BE CONSIDERED. MTN DEL RECOMMENDS THAT US IDENTIFY ITEMS ON WHICH US PREPARED TO MAKE INITIAL MFN OFFERS AND IDENTIFY ITEMS FOR WHICH GSP TREATMENT WAS REQUESTED WHICH NOW INCLUDED IN GSP MAKING THE NOTATION IN THE OFFER COLUMN (WHERE NO MFN OFFER IS BEING MADE) "NO INITIAL OFFER". IN THIS FASHION WE PRESERVE OUR POSITION THAT GSP IS NOT A LEGITIMATE OFFER. IF US ISOLATED ON THIS ISSUE, AS FALLBACK WE REQUEST AUTHORIZATION TO ACCEPT SECRETARIAT'S SUGGESTION.

B. GATT SECRETARIAT PAPER CONTAINS COLUMN IN WHICH OFFERING COUNTRIES IDENTIFY COUNTRIES TO WHICH OFFERS WILL BE MADE. MTN DEL RECOMMENDS THAT THIS SHOULD BE OPPOSED SINCE WE ARE MAKING MFN OFFERS TO NO PARTICULAR COUNTRY. THIS LIMITED OFFICIAL USE

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CONSISTENT WITH OUT PRELIMINARY POSITION THAT RECIPROCITY NOT TIED TO ITEM-BY-ITEM BASIS. IN THIS CONNECTION, SUBJECT OF NR'S HAS NOT BEEN RAISED IN BILATERAL CONSULTATIONS OR GROUP TO DATE. MTN DEL BELIEVES GUIDANCE IN TPSC 75-26 IS SUFFICIENT IF INR'S RAISED DURING FEB MEETING.

C. GATT SECRETARIAT FORMAT CONTAINS COLUMN IN WHICH OFFERING COUNTRY WOULD IDENTIFY CONDITIONS ON WHICH OFFER IS BASED. MTN DEL RECOMMENDS THAT INTIAL OFFERS NOT SPECIFY CONDITIONS BUT RATHER SHOULD BE QUALIFIED BY AN APPROPRIATE HEAD NOTE SPECIFYING THAT CONDITIONS WILL BE IDENTIFIED IN SUBSEQUENT BILATERAL AND PLURILATERAL CONSULTATIONS. CONDITIONS ON OFFERS ULTIMATELY WILL BECOME KNOWN BUT SHOULD BE DISCUSSED BILATERALLY PRIOR TO DISCUSSION IN PLURILATERAL/MULTILATERAL FRAMEWORK AS APPROPRIATE.

D. IDENTIFICATION OF THE SPECIFIC OFFER (E.G., PROPOSED NEW RATE OF DUTY) IS ASSUMED BY SECRETARIAT. THIS IS A PARTICULARLY DIFFICULT ISSUE BECAUSE THERE IS NO CURRENT AGREEMENT ON GENERAL TARIFF FORMULA. MTN DEL BELIEVES THAT US UNLIKELY TO BE IN A POSITION TO IDENTIFY DEPTH OF CUT ON INDIVIDUAL OFFERS BY MAR 1 BECUASE THIS DECISION IS DEPENDENT ON ACHIEVING SUFFICIENT LDC AND DC CONTRIBUTIONS TO TROPICAL PRODUCTS PACKAGE. MTN DEL SHOULD SEEK TO ACHIEVE AGREEMENT ON A FORMAT FLEXIBLE ENOUGH TO PERMIT GENERAL OFFER SUCH AS "UP TO MAXIMUM AUTHORITY PERMITTED UNDER TRADE ACT DEPENDENT ON ACHIEVING CONDITIONS RELATED TO OFFER". OUR REASONS FOR THIS IS THAT PULLBACK FROM MAXIMUM INITIAL OFFES WILL BE DIFFICULT, PARTIAL OFFRS WOULD HAVE TO BE ARBITRARILY SET AND WILL BE DIFFICULT TO INCREASE BECUASE OF DOMESTIC PRESSURES. ADDITIONALLY, SPECIFIC REQUESTS FOR RECIPROCITY NOT KNOWN THUS WE CAN ONLY ESTIMATE

ABILITY TO ACHIEVE THEM. ALSO BELIEVE THIS FORMULATION
MAXIMIZES LEVERAGE FOR LDC CONTRIBUTIONS.

E. GATT SECRETARIAT FORMAT IDENTIFIES COUNTRIES
WHICH MADE REQUESTS ON AN ITEM. WE HAVE NO OBJECTION
TO THIS. WE PROPOSE THE US SUGGEST THAT THE FORMAL
ALSO IDENTIFY PRINCIPAL AND SUBSTANTIAL SUPPLIERS TO
OFFERING COUNTRY'S MARKET IN ORDER TO IDENTIFY NON-
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REQUESTING MAJOR SUPPLIERS, LIKELY PARTICIPANTS IN
PLURILATERAL CONSULTATIONS, AND TO ASSESS IMPACT OF
OTHER DC OFFERS ON OUR COMMERCIAL INTERESTS.

F. SUGGESTED GATT SECRETARIAT FORMAT COMBINES
OFFERS ON TARIFF AND NON-TARIFF BARRIERS REQUESTED.
US NOT PREPARED TO MAKE OFFERS ON NON-TARIFF MEASURES,
IN THE TP EXERCISE. THIS UNION LIKELY TO SHOW OUR
OFFER IN MOST PROPITIOUS LIGHT.

6. AGENDA ITEM 2(A). MTN DEL EXPECTS SOME LDC'S
TO EXPRESS DISCONTENT WITH PRODUCT COVERAGE INDICATED
IN PRELIMINARY SUBSTANTIVE REACTIONS BY DC'S. ONE
FORM THIS LIKELY TO TAKE IS TO POINT OUT THAT ONE
DC IS DEALING WITH A PRODUCT IN THE TP GROUP WHILE
ANOTHER IS NOT. FOR EXAMPLE, EC PLANS TO MAKE OFFER
ON TOBACCO, US DOES NOT. CANADIANS PLAN OFFER
CONCENTRATED ORANGE JUICE, THE EC DOES NOT. OUR
CONCERN IS THAT LDC'S WILL ATTEMPT TO WHIPSAW DC'S
BECAUSE OF THIS DIFFERING PRODUCT COVERAGE. TO
DATE, MTN DEL HAS NOT HAD TO RESORT TO DEFINITION
QUESTIONS BUT BELIEVE ONLY METHOD TO COMBAT WHIPSAW
IS A PRESENTATION OF THE FACTS. REQUEST THEREFORE
THAT WASHINGTON PREPARE BACKGROUND INFORMATION ON
SEVERAL PRODUCTS ON REQUEST LISTS TO INDICATE NON-TROPICALITY
OF A PRODUCT (TOBACCO, CITRUS, SUGAR, FRUIT, AND VEGETABLES,
AND OTHER BELIEVED APPROPRIATE). BACKGROUND INFORMATION
SHOULD INCLUDE DOMESTIC PRODUCTION FIGURES, PERCENTAGE
OF IMPORTS TO TOTAL CONSUMPTION, ETC., AND WILL BE
USED ONLY IF NECESSARY.

7. AGENDA ITEMS 2(C) AND (D). TWO ISSUES LIKELY TO
BE RAISED BUT NOT NECESSARILY DECIDED UNDER THESE
AGENDA ITEMS ARE: RECIPROCITY AND IMPLEMENTATION.
MTN DEL DOES NOT REQUIRE FURTHER INSTRUCTIONS ON NEED
FOR LDC CONTRIBUTIONS TO A TP PACKAGE. WITH RESPECT
TO IMPLEMENTATION, MTN DEL RECOMMENDS THAT US MAINTAIN
LOW PROFILE ON THIS ISSUE GIVEN PROBLEMS OTHER DC'S
HAVE WITH EARLY IMPLEMENTATION. WE BELIEVE, HOWEVER,
THAT LDC DESIRE TO ACHIEVE RESULTS THIS YEAR, EC
PUBLIC POSTURE OF JAN 1, 1977 IMPLEMENTATION, AND
GENERAL DC DESIRE TO TAKE PRESSURE OFF UNCTD IV BY

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FORTHCOMING TP POSITIONS, THAT CONSIDERABLE PRESSURE
MAY EMERGE ON JAN 1, 1977 OR SOONER. WE DO NOT
BELIEVE, HOWEVER, THAT THE US CAN GO BEYOND SECY
KISSINGER'S STATEMENT AT SEVENTH SPECIAL SESSION,
"IMPLEMENTATION AS EARLY AS POSSIBLE."

8. OTHER ISSUES. MTN DEL BELIEVES ADEQUATE GUIDANCE
EXISTS FOR OTHER ISSUES IN STATE 247261 AND TPSC
75-26.

9. NEXT MEETING. LDC'S MAY REQUEST ADDITIONAL
MEETING OF TP GROUP PRIOR TO UNCTAD IV. WHILE WE
WOULD PREFER TO DEFER NEXT TP GROUP MEETING UNTIL
BILATERAL AND PLURAL LATERAL NEGOTIATIONS WILL BE
ADVANCED, MTN DEL RECOMMENDS IT BE AUTHORIZED AGREE
EARLIER MEETING SHOULD CONSENSUS DEVELOP, ESPECIALLY
IN VIEW NEGATIVE US POSITION ON ADDITIONAL TNC MEETING
PRIOR TO UNCTAD IV. WALKER

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